

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

TEXAS BANKERS ASSOCIATION,
et al.,

Plaintiffs,

v.

OFFICE OF THE COMPTROLLER
OF THE CURRENCY, et al.,

Defendants.

Case No.: 2:24-CV-00025-Z-O

**PLAINTIFFS' UNOPPOSED MOTION FOR TWO ADDITIONAL PAGES
TO REPLY IN SUPPORT OF PRELIMINARY INJUNCTION MOTION**

Plaintiffs Texas Bankers Association, Amarillo Chamber of Commerce, American Bankers Association, Chamber of Commerce of the United States of America, and the Independent Bankers Association of Texas (collectively “Plaintiffs”), respectfully request two additional pages, from 20 pages to 22 pages, for their Reply in Support of the Preliminary Injunction Motion. In support of this motion, Plaintiffs state as follows:

1. Plaintiffs filed a Motion for Preliminary Injunction and Memorandum of Law in Support on February 9, 2024. (ECF Nos. 19-21)
2. Defendants Office of the Comptroller of the Currency, Michael J. Hsu in his official capacity, the Board of Governors of the Federal Reserve System,

Jerome Powell in his official capacity, the Federal Deposit Insurance Corporation, and Martin J. Gruenberg in his official capacity (collectively “the Agencies”) requested additional time to respond to the Motion for Preliminary Injunction. (ECF No. 43) The Court granted the Agencies’ motion. (ECF No. 50)

3. The Agencies filed a Joint Motion to File Opposition and Reply Brief to Plaintiffs’ Motion for Preliminary Injunction in Excess of the Page Limits Prescribed by Local Rule. (ECF No. 62) The Court granted the Agencies’ motion to file a consolidated brief in opposition up to 40 pages. (ECF No. 63) In the same order, the Court permitted Plaintiffs to file a consolidated reply brief not to exceed 20 pages. (ECF No. 63)

4. The Agencies timely filed their Response in Opposition to Plaintiffs’ Motion for a Preliminary Injunction and Consolidated Brief in Opposition to Plaintiffs’ Motion for a Preliminary Injunction on March 8, 2024. (ECF Nos. 66-68)

5. Plaintiffs’ deadline to file a reply in support of their Motion for Preliminary Injunction is today, March 22, 2024.

6. The evening of March 21, 2024, the Agencies filed a Notice of Supplemental Rulemaking related to the Final Rules under the Community Reinvestment Act of 1977 (“Final Rules”). (ECF No. 70) The Notice indicates that the Supplemental Rule extends applicability dates, adopts technical amendments,

and revises the preamble in the Federal Register. The Final Rules are the subject of the instant case and of the Motion for Preliminary Injunction.

7. Plaintiffs seek an additional two pages to address the Supplemental Rule announced yesterday. These additional pages will be used to address the Supplemental Rule and will not prejudice any party. This would be Plaintiffs' second enlargement of the standard page limits to file a consolidated reply brief.

8. Counsel for Plaintiffs has conferred with counsel for the Agencies, who indicated that the Agencies do not oppose the relief sought in this motion, as reflected in the below certificate of conference.

WHEREFORE, Plaintiffs request that their motion be granted and that they be afforded two additional pages (for a total of 22 pages) for their Reply in Support of the Motion for Preliminary Injunction.

DATED: March 22, 2024

Respectfully submitted,

/s/ Thomas C. Riney

UNDERWOOD LAW FIRM, P.C.

Thomas C. Riney (Texas Bar No. 16935100)

Slater Elza (Texas Bar No. 24000747)

PO 9158

Amarillo, Texas 79105

(806) 376-5613

(806) 349-9474

tom.riney@uwlaw.com

slater.elza@uwlaw.com

WILLIAMS & CONNOLLY LLP
Ryan Scarborough (*pro hac vice*)
Jesse Smallwood (*pro hac vice*)
William R. Murray, Jr. (*pro hac vice*)
Richard A. Olderman (*pro hac vice*)
Alex Gaudio (*pro hac vice*)
Armani Madison (*pro hac vice*)
680 Maine Avenue SW
Washington, DC 20024
(202) 434-5000
rscarborough@wc.com
jsmallwood@wc.com
bmurray@wc.com
rolderman@wc.com
agaudio@wc.com
amadison@wc.com

Attorneys for Plaintiffs

AMERICAN BANKERS ASSOCIATION
Thomas Pinder (*pro hac vice*)
Andrew Doersam (*pro hac vice*)
1333 New Hampshire Ave. NW
Washington, DC 20036
tpinder@aba.com
adoersam@aba.com

Attorneys for Plaintiff American Bankers Association

U.S. CHAMBER LITIGATION CENTER
Jennifer B. Dickey (*pro hac vice*)
Maria C. Monaghan (*pro hac vice*)
1615 H Street NW
Washington, DC 20062
jdickey@USChamber.com
mmonaghan@USChamber.com

Attorneys for Plaintiff Chamber of Commerce of the United States of America

CERTIFICATE OF CONFERENCE

I hereby certify that on March 21, 2024, I conferred with counsel for the Federal Reserve Board of Governors, who consulted with other defense counsel and represented that the Agencies are not opposed to the relief sought in this motion.

/s/ Ryan Scarborough
Ryan Scarborough

CERTIFICATE OF SERVICE

I hereby certify that on March 22, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel and parties of record registered to receive such notices.

/s/ Thomas C. Riney
Thomas C. Riney